

EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT
OF THE UNITED STATES SHOULD ACTIVELY SUPPORT THE
ASPIRATIONS OF THE DEMOCRATIC POLITICAL AND SOCIAL
FORCES IN THE REPUBLIC OF NICARAGUA TOWARD AN
IMMEDIATE AND FULL RESTORATION OF FUNCTIONING
DEMOCRACY IN THAT COUNTRY

MARKUP
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

H. Con. Res. 252

SEPTEMBER 28, 2005

Serial No. 109-123

Printed for the use of the Committee on International Relations



Available via the World Wide Web: http://www.house.gov/international_relations

U.S. GOVERNMENT PRINTING OFFICE

23-692PDF

WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON INTERNATIONAL RELATIONS

HENRY J. HYDE, Illinois, *Chairman*

JAMES A. LEACH, Iowa	TOM LANTOS, California
CHRISTOPHER H. SMITH, New Jersey, <i>Vice Chairman</i>	HOWARD L. BERMAN, California
DAN BURTON, Indiana	GARY L. ACKERMAN, New York
ELTON GALLEGLY, California	ENI F.H. FALEOMAVAEGA, American Samoa
ILEANA ROS-LEHTINEN, Florida	DONALD M. PAYNE, New Jersey
DANA ROHRABACHER, California	ROBERT MENENDEZ, New Jersey
EDWARD R. ROYCE, California	SHERROD BROWN, Ohio
PETER T. KING, New York	BRAD SHERMAN, California
STEVE CHABOT, Ohio	ROBERT WEXLER, Florida
THOMAS G. TANCREDI, Colorado	ELIOT L. ENGEL, New York
RON PAUL, Texas	WILLIAM D. DELAHUNT, Massachusetts
DARRELL ISSA, California	GREGORY W. MEEKS, New York
JEFF FLAKE, Arizona	BARBARA LEE, California
JO ANN DAVIS, Virginia	JOSEPH CROWLEY, New York
MARK GREEN, Wisconsin	EARL BLUMENAUER, Oregon
JERRY WELLER, Illinois	SHELLEY BERKLEY, Nevada
MIKE PENCE, Indiana	GRACE F. NAPOLITANO, California
THADDEUS G. McCOTTER, Michigan	ADAM B. SCHIFF, California
KATHERINE HARRIS, Florida	DIANE E. WATSON, California
JOE WILSON, South Carolina	ADAM SMITH, Washington
JOHN BOOZMAN, Arkansas	BETTY MCCOLLUM, Minnesota
J. GRESHAM BARRETT, South Carolina	BEN CHANDLER, Kentucky
CONNIE MACK, Florida	DENNIS A. CARDOZA, California
JEFF FORTENBERRY, Nebraska	
MICHAEL MCCAUL, Texas	
TED POE, Texas	

THOMAS E. MOONEY, SR., *Staff Director/General Counsel*

ROBERT R. KING, *Democratic Staff Director*

SUBCOMMITTEE ON THE WESTERN HEMISPHERE

DAN BURTON, Indiana, *Chairman*

RON PAUL, Texas	ROBERT MENENDEZ, New Jersey
JERRY WELLER, Illinois, <i>Vice Chairman</i>	GRACE NAPOLITANO, California
KATHERINE HARRIS, Florida	GREGORY W. MEEKS, New York
JAMES A. LEACH, Iowa	ENI F.H. FALEOMAVAEGA, American Samoa
CHRISTOPHER H. SMITH, New Jersey	DONALD M. PAYNE, New Jersey
ILEANA ROS-LEHTINEN, Florida	WILLIAM D. DELAHUNT, Massachusetts
CONNIE MACK, Florida	BARBARA LEE, California
MICHAEL MCCAUL, Texas	

MARK WALKER, *Subcommittee Staff Director*

JESSICA LEWIS, *Democratic Professional Staff Member*

DAN S. GETZ, *Professional Staff Member*

BRIAN WANKO, *Staff Associate*

CONTENTS

Page

MARKUP OF

H. Con. Res. 252, Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country	2
--	---

EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT OF THE UNITED STATES SHOULD ACTIVELY SUPPORT THE ASPIRATIONS OF THE DEMOCRATIC POLITICAL AND SOCIAL FORCES IN THE REPUBLIC OF NICARAGUA TOWARD AN IMMEDIATE AND FULL RESTORATION OF FUNCTIONING DEMOCRACY IN THAT COUNTRY

WEDNESDAY, SEPTEMBER 28, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:05 p.m. in room 2172, Rayburn House Office Building, Hon. Dan Burton (Chairman of the Subcommittee) presiding.

Mr. BURTON. Pursuant to notice, I call up the resolution, H. Res. 252, and ask unanimous consent that it be reported favorably to the Full Committee.

[The resolution referred to follows:]

109TH CONGRESS
1ST SESSION

H. CON. RES. 252

Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. BURTON of Indiana (for himself, Mr. MENENDEZ, Ms. HARRIS, Mr. WELLER, Ms. ROS-LEHTINEN, Mr. MACK, and Mr. ROHRABACHER) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country.

Whereas the United States is strongly committed to promoting freedom, democracy, and the rule of law;

Whereas the Charter of the Organization of American States, of which the United States and Nicaragua are Member States, stipulates that “[t]he peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it”;

Whereas after experiencing a quarter century ago a revolution, loss of personal liberties, destruction of property, and economic instability, the people of Nicaragua are building a democratic form of government;

Whereas jailed ex-President Arnoldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega have entered into an agreement widely known throughout Nicaragua as the “Pact”, to control the National Assembly in order to exploit its legislative powers to undermine the Nicaraguan Constitution, the Presidency of Enrique Bolanos, and all institutions of representative democratic governance;

Whereas Pactist politicians currently control and dominate the Supreme Court, the Electoral Council, the Comptroller’s office, and the Human Rights ombudsman’s office; and

Whereas polls indicate that an overwhelming percentage of Nicaraguans oppose the Aleman-Ortega Pact, and tens of thousands of Nicaraguans took to the streets in the past year to call for an end to the Pact: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) Congress—

4 (A) strongly condemns the Aleman-Ortega
5 Pact as detrimental to democracy in the Repub-
6 lic of Nicaragua, the future of democracy in
7 Nicaragua, and the stability of the entire re-
8 gion;

1 (B) strongly condemns constitutional re-
 2 forms passed by the Pact-controlled National
 3 Assembly that stripped important executive
 4 branch authorities from the Nicaraguan presi-
 5 dency;

6 (C) strongly condemns the Pact-controlled
 7 National Assembly's actions to stack the Nica-
 8 raguan Supreme Court with Pact loyalists,
 9 some of whom have had their United States
 10 visas revoked on the ground of corruption;

11 (D) strongly condemns the Pact-controlled
 12 National Assembly's efforts to remove demo-
 13 cratically-elected President Enrique Bolanos on
 14 dubious legal grounds;

15 (E) strongly condemns the Pact-controlled
 16 National Assembly's attempts to remove from
 17 office senior officials of the executive branch on
 18 dubious legal grounds; and

19 (F) supports the efforts of Nicaraguan
 20 democratic civil society to create the necessary
 21 conditions for free and fair elections; and

22 (2) it is the sense of Congress that—

23 (A) it should be the policy of the United
 24 States to actively support the aspirations of the
 25 democratic political forces in Nicaragua for a

1 full restoration of democracy and the rule of
2 law in Nicaragua, headed by leaders who are
3 committed to democracy and who deserve the
4 trust of the Nicaraguan people;

5 (B) it should be the policy of the United
6 States to work with the international commu-
7 nity, including the Organization of American
8 States, to assist democratic forces in Nicaragua
9 to restore full democracy to their country;

10 (C) it should be the policy of the United
11 States to oppose all political elements that con-
12 tinue to subvert Nicaraguan democracy;

13 (D) it is critical that the 2006 elections in
14 Nicaragua are free and fair and provide the
15 winner of the election a clear mandate to gov-
16 ern the country; and

17 (E) the President of the United States,
18 acting through the Administrator of the United
19 States Agency for International Development,
20 should provide assistance grants to nongovern-
21 mental organizations in support of President
22 Bolanos' call for the international community to
23 assist in and monitor the 2006 election process
24 in order to ensure the integrity of the process.

○

Mr. MENENDEZ. Mr. Chairman, reserving the right to object.

Mr. BURTON. The gentleman will state his reservation.

Mr. MENENDEZ. Mr. Chairman, I do not intend to actually object at the end of the day, and I will support the Chair in this regard, and only because of the nature of the importance of the timeliness of this issue am I supportive of waiving the regular order, but I do think there are moments in which regular orders need to be waived, and this is one of them. And so on my reservation, I would just like to say a few words about the resolution.

It is a timely piece of legislation, one that I certainly support the Chairman on in bringing this forward. It seems to me that we have to reaffirm and support our efforts at democracy in Nicaragua and condemn factors within Nicaragua that are actively working to dismantle that democracy. President Enrique Bolaños was democratically elected by a landslide over Sandinista leader and former President Daniel Ortega. When he decided to take a stand against corruption and prosecute former President Arnaldo Alemán for embezzling \$100 million in public fines, a crime for which Mr. Alemán has been convicted and sentenced and continues to be held under house arrest, he lost support of Alemán's Liberal Party.

In 2004, Alemán supporters within the Liberal Party revived a pact in the late 1990s with the Sandinistas, the purpose of which is to secure Alemán's release from prison and to destabilize and undermine the Government of Bolaños.

Unfortunately, the situation continues to deteriorate. The National Assembly, filled with Alemán's supporters and Sandinistas, have already tried to strip Bolaños' powers and reassign them to the legislature, a move that was declared unconstitutional by the Central American Court of Justice, and the National Assembly alleges that Bolaños committed election fraud and is trying to strip both him and his officials of their immunity.

As OAS Secretary General Jose Miguel Insulza said last week when the National Assembly stripped the interior minister and the deputy minister of agriculture and forestry of their immunity from prosecution, he said:

"This decision acts against the possibility of resolving the current crisis and prolongs a situation of uncertainty that is increasingly causing harm to Nicaraguan society and to its democratic consolidation. Clearly, these actions are only meant to destabilize democracy in Nicaragua and place the well-being of an entire nation in jeopardy."

So I am in complete agreement with the Chairman that there is an urgent need to condemn the actions of Alemán-Ortega and their supporters. We must also be conscious of the impact an unstable political system can have on Nicaragua, exacerbating problems in a country where three-quarters of the population live on less than \$2.00 a day, unemployment and underemployment are close to 50 percent, and income inequality is high. A failed democracy will not only hurt Nicaraguans, but it will also be detrimental to the stability and security of the entire region.

So it is in our own interest and our national security interest to support a strong and vigorous democracy in Nicaragua. To do this, we need to support free and fair elections in Nicaragua, and that

is exactly what your bill does, Mr. Chairman, by providing support for NGOs to assist in and monitor the 2006 elections. We have to carefully evaluate what is going on in Nicaragua. To do that, we must be sure that we do not sit idly by and watch one of the region's democratically-elected leaders fail without taking action.

Finally, I also want to say that it is a serious test for the OAS. In May, President Bolaños voluntarily invoked the Inter-American Democratic Charter and asked the OAS to intervene in Nicaragua's democratic crisis. In June, the OAS General Assembly passed a declaration of support for Nicaragua. Secretary General Insulza led a high-level delegation to the country in an attempt to open a broad dialogue to resolve the crisis, and just last week, the secretary general announced that the OAS will be sending another mission to Nicaragua to help mediate the crisis.

While I am relieved that Mr. Ortega has currently stopped pushing his supporters in the legislature to impeach Bolaños, it is still disturbing that Dante Caputo of the OAS envoy has so far been unable to restart the talks that fell apart in April. It is obvious that this dialogue still has a long way to go.

A democratic charter was created to protect against unconstitutional removal from power, and this may become an instance where such action is needed. I urge the OAS to provide robust support for the Inter-American Democratic Charter and apply its principles to the situation in Nicaragua.

Mr. Chairman, we spent decades singing the praises of democracy to our neighbors. Now we must be willing to speak out against its attackers and against those who would tear it from the foundations for its personal gain and power, and with that, I urge my colleagues to support the resolution and withdraw my reservation.

Mr. DELAHUNT. Reserving the right to object, Mr. Chairman.

Mr. BURTON. The gentleman will state his reservation.

Mr. DELAHUNT. I intend again to withdraw the right to object, and I am going to support this for many of the reasons that were articulated by the Ranking Member, but also because of your efforts and passionate interest in this particular issue. But I do so with one caveat. There is, in the final resolve clause, number E, language to the effect that USAID should provide assistance to nongovernmental organizations in support of President Bolaños' call for the international community to assist and monitor the 2006 election process in order to ensure the integrity of the process.

I support that, obviously, but I want to be very clear. I do hope that impartiality and neutrality will be the position of this Government and that we do not have a tilt toward any particular candidate or any particular party. That is my caveat. That is my concern. You and I have discussed this, and I withdraw my reservation.

Mr. BURTON. Thank you, Mr. Delahunt.

Mr. MEEKS. Reserving the right to object.

Mr. BURTON. Mr. Meeks?

Mr. MEEKS. And I will remove my objection also. I just want to join in with Mr. Delahunt. I think that we need to be able to bring the sides together to urge them to negotiate the conversation between the two and not take sides, but I do think—and I applaud you for what you have done and the attention you have paid to this

matter—I think it is important that we make sure that we keep democracy, and I just thank you, Mr. Chairman, for bringing this to our attention, and I withdraw my—

Mr. BURTON. Well, thank you very much. Let me just comment briefly. I will not read my statement because I think Mr. Menendez and my colleagues on the Democrat side of the aisle have stated the case rather well. But I was just in Managua last Monday, and when I left, I was under the impression that things were heading in the right direction, and the day after I left, the Alemán-Ortega Pact moved to take away immunity from three of the cabinet officers of Mr. Bolaños, and as a result, that indicated the next step might very well be to try to kick Mr. Bolaños out of office and circumvent the democratic process.

I think, as my colleagues have stated, it is extremely important that all of the governments of the region, including the members of the OAS, do everything in our power collectively to make sure that we do not see a removal of democratic institutions and the rule of law in Nicaragua. It is extremely important.

I was there during the early eighties when the Contras and Sandinistas were at war with one another. I saw the bloodshed. I saw the people who were homeless, who were driven into the streets, and it was just a terrible thing. We, likewise, saw the same thing right next door in El Salvador. The democratic institutions that have been created over the past two decades have been created in large part through bloody battles and hard-fought negotiations, and we do not want to see a reversal of that.

Obviously, as my colleagues have said, one of the leading reasons why we see the kind of support for changes, radical changes, in government is the poverty that has taken place in many of these countries. It is very important, as my colleagues have said, that we pay attention to this problem and try to do everything we can, with our fellow and sister countries, to help eliminate that problem of poverty. Once poverty is eliminated or on the road to elimination, then I think people will realize that democracy is the only vehicle that will really, in a long-term way, work. Right now, a guy who needs food for his family, who does not have any food on his plate, is prone to listen to anybody and listen to all kinds of reasons for changes in government.

So as my colleagues feel and I feel very, very strongly, it is important that we pay attention to the economic problems of Central and South America while at the same time trying our best to preserve democracy.

With that, unless any of my colleagues have some more comments—I have my staff here to tell me what to read to make sure we follow the procedures. Without objection, I ask unanimous consent that the bill be reported favorably to the Full Committee, and if there is no objection, so ordered, and members may have 5 legislative days to insert any remarks on the resolution into the record. We will try to talk to the Full Committee and bring this up next week. With that, thank you very much.

[Whereupon, at 2:19 p.m., the Committee was adjourned.]

